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Before the
FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Telephone Number Portability) CC Docket No. 95-116

To: The Commission

REPLY COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA") submits these Reply Comments in response to the Wireless Telecommunications Bureau's Public Notice ¹ seeking comment on the North American Numbering Council ("NANC") Recommendation Concerning Local Number Portability ("LNP") Administration Wireline and Wireless Integration ("NANC Report").² RCA is an association composed of telecommunications companies providing commercial mobile radio services, including cellular and broadband personal communications service ("PCS"), to more than 6.5 million people in rural America. Accordingly, RCA members have a substantial interest in Commission action regarding the provision of number portability by wireless carriers.³

I. Complexities and Costs Of Wireless Number Portability Outweigh Possible Future Competitive Benefit

In light of the myriad of unresolved technical difficulties associated with implementation of wireless number portability ("WNP"), mandatory compliance with an

^{1/} Public Notice, CC Docket No. 95-116, DA 98-1290, released June 29, 1998. See also In the Matter of Telephone Number Portability, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352 (1996); First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 7236 (1997); Second Report and Order, 12 FCC Rcd 12281 (1997) ("Second Report and Order").

^{2/} May 8, 1998 NANC Local Number Portability Administration Working Group Report on Wireless Wireline Integration, filed with the Commission May 18, 1998.

^{3/} See e.g., Reply Comments of RCA, CC Docket No. 95-116, filed October 7, 1996.

imminent and artificial deadline is not in the public interest. As the NANC Report demonstrates, many technical obstacles associated with deploying WNP have yet to be overcome. Moreover, the costs associated with implementing WNP in the timeframe mandated by the Commission far outweigh any perceived future benefit.

As the Commission is aware, NANC was charged with the development, within nine months of the release of the Second Report and Order, standards and procedures to govern CMRS provision of number portability.⁴ Stating that "CMRS providers will need clear guidelines as to how to . . . implement wireless number portability,"⁵ the Commission recognized that difficulties remained for "incorporating CMRS providers into a long-term number portability solution."⁶

The NANC Report highlights numerous outstanding issues and problems related to the development of standards and procedures for wireless number portability. NANC clearly states that additional analysis is required, and notes that continued examination of many issues will extend through the end of 1998. Rather than providing the necessary "clear guidelines," therefore, the NANC Report reflects that no consensus exists with respect to many technical issues.⁷ In the absence of these guidelines, there is no basis for concluding that the June 30, 1999 date for WNP is reasonably attainable. Adherence to

⁴/ Second Report and Order at ¶91.

⁵/ Id.

⁶/ Second Report and Order at ¶90.

⁷/ For example, NANC was unable to resolve the problem that results from the disparity between wireline and wireless local serving areas. The lack of consensus on the so-called "rate center" disparity, discussed further below, according to the NANC Report, makes it impossible for some wireless subscribers to port to wireline carriers and merely illustrates the fact that technical issues remain unresolved. NANC Report at §§3.1.1, 3.1.3.

this deadline will, in fact, be detrimental to the public interest.

The Commission's broad policy objective of promoting competition by imposing number portability requirements on CMRS providers fails to recognize that number portability is far less important to competition in the wireless industry than it is in the wireline context.⁸ In fact, the burden imposed by WNP arising from its complexity and costs, which the NANC Report thoroughly documents, will retard robust competition in the CMRS marketplace by diverting resources from CMRS infrastructure deployment and marketing. Accordingly, RCA concurs with CTIA in supporting the NANC Report recommendation to "defer the introduction of portability between wireless and wireline service providers until a clear and real competitive need exists."⁹ Deferral is particularly important for smaller carriers, which may be required to defer further deployment of wireless infrastructure in rural areas if required to utilize limited financial resources to deploy an uncertain WNP solution.

As underscored by numerous commenters, the NANC Report demonstrates that forbearance¹⁰ or, at least, delay,¹¹ in the implementation of WNP is warranted. Given that the NANC Report provides only an interim and partial solution to the numerous complex issues arising from WNP, the Commission should suspend the current compliance deadline

^{8/} See, e.g., Comments of Cellular Telecommunications Industry Association ("CTIA") at 2; Sprint PCS at 4.

^{9/} CTIA Comments at 4.

^{10/} See, e.g., Comments of CTIA at 2-4; Sprint PCS at 3; BellSouth Corporation ("BellSouth") at 4-5; United States Cellular Corporation ("USCC"); and Bell Atlantic Mobile, Inc. ("BAM") at 8.

^{11/} See, e.g., Comments of Rural Telecommunications Group at 7.

of June 30, 1999, in accordance with pending requests.¹²

II. The Wireline Rate Center Regime Should Not Be Forced Upon Wireless Carriers

Several commenters in this proceeding have described the clear distinction between wireless and wireline serving areas.¹³ Whereas wireline customers are assigned a number based on their physical location (i.e., local exchange customers are assigned a telephone number from the NXXs assigned to the switch that serves the rate center area in which the customer is physically located), wireless NXXs do not correspond to the physical location of the wireless subscriber. In fact, a CMRS serving area may cross several state boundaries; CMRS serving areas routinely cover much larger geographic areas than a LEC rate center.

RCA agrees with CTIA and other commenters that requiring CMRS providers to change the way they do business to conform to a traditional wireline "rate center" concept makes no logical or business sense in a mobile environment.¹⁴

Furthermore, there is no technical need for rate centers within a wireless network from a routing or rating perspective. In rural areas, the rate center concept will result in highly uneconomic and inefficient network design.

Moreover, requiring assignment of NXXs to wireless service providers on a per rate center basis (and requiring assignment of telephone numbers to wireless customers based on their billing location) is wasteful and unnecessary. This requirement will result in

^{12/} See CTIA Petition Requesting forbearance from enforcing number portability requirements for CMRS providers, filed December 16, 1997. See also CTIA Petition to Extend Implementation Deadlines of Wireless Number Portability.

^{13/} See, e.g., Comments of CTIA at 8; Sprint PCS at 5; BellSouth at 8; SBC Communications, Inc. at 3; BAM at 5-6; and USCC at 2-4.

^{14/} Id.

premature exhaustion of scarce numbering resources. This result is clearly contrary to sound regulatory policy and number conservation efforts.¹⁵

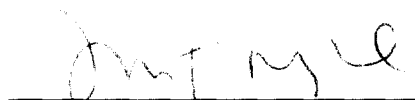
III. Conclusion

The NANC Report documents the complexity associated with WNP implementation. The projected future competitive benefits of WNP are overshadowed by the costs associated with resolving these technical issues. Accordingly, the Commission should defer, if not forbear, mandatory WNP, enabling CMRS providers to enhance the provision of competitive services by concentrating on the demands of infrastructure deployment and marketing.

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THE RURAL CELLULAR ASSOCIATION

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^{15/} See CTIA Comments at 11-12.

CERTIFICATE OF SERVICE

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, hereby certify that a copy of the foregoing "Reply Comments of The Rural Cellular Association", was served on this 31st day of August 1998, by first class, U.S. Mail, postage prepaid to the following parties:


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